

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:05-CR-111-D-1

HERMAN KING, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )

**ORDER**

Herman King filed two motions for a sentence reduction under Rule 35(b) of the Federal Rules of Criminal Procedure [D.E. 59, 60]. The United States responded in opposition [D.E. 64], explained why it declined to move for a sentence reduction under Rule 35(b), and asked the court to dismiss the motions [D.E. 63].

The United States properly exercised its discretion under Rule 35(b). See Wade v. United States, 504 U.S. 181, 186–87 (1992); United States v. Wallace, 22 F.3d 84, 87 (4th Cir. 1994). The United States also complied with King’s plea agreement. Thus, the motion to dismiss [D.E. 63] is GRANTED.

SO ORDERED. This 10 day of February 2011.

  
JAMES C. DEVER III  
United States District Judge